

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (FM) ECF Case
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This document relates to:

Bauer et al. v. al Qaeda Islamic Army, et al., 02-cv-7236 (GBD)(FM)

DOROTHEA M. CAPONE, Esq., hereby states under penalty of perjury that:

1. I am an attorney representing the siblings of Daniel Laurence Smith who are the subject of this motion in the above captioned litigation, and submit this Declaration in support of the motion for partial final judgment on behalf of the individuals identified in Exhibit A.

2. The sources of my information and the basis for my belief in my statements contained herein are my personal involvement in this matter, my firm's representation of the Smith Plaintiffs listed in Exhibit A in connection with the September 11th terror attacks, other court records relating to the multi district litigation to which these individuals are parties, and conversations with them and other family members. Any matters about which I lack personal knowledge are asserted herein upon information and belief.

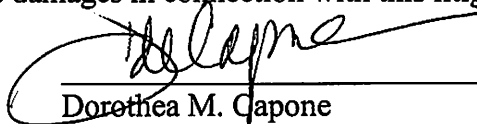
3. Daniel Laurence Smith died in the September 11, 2001 terror attacks and was survived by his wife, two children, and three siblings who are identified in Exhibit A.

4. By Order dated October 31, 2016, the Honorable George Daniels awarded solatium damages to the wife and children of Daniel Smith. A copy of this Order is attached as Exhibit B.

5. Consistent with Magistrate Judge Netburn's October 14, 2016 Order, the Smith Plaintiffs will join with other *Bauer* and *Ashton* Plaintiffs in supplemental briefing at a later date

on the issue of the appropriate scope of punitive damages in connection with this litigation.

Dated: November 28, 2016
New York, NY



Dorothea M. Capone